

THE ARKANSAS STATE BOARD OF EDUCATION

**IN RE THE MATTER OF:
MICHAEL P. HYNES
SEPTEMBER 14, 2017**

WAIVER REQUEST

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

At its regular meeting on September 14, 2017, the Arkansas State Board of Education (Board) considered a waiver request from the disqualifying offenses revealed in the background checks conducted for the renewal of Michael P. Hynes' (Educator Hynes) teaching license. Based upon the evidence and testimony presented in accordance with the Administrative Procedures Act, Ark. Code Ann. 25-15-101 et seq., the Board hereby states as follows:

I. Findings of Fact

- a. The Arkansas Department of Education issued Educator Hynes a standard five-year teaching license on January 1, 2012, valid until December 31, 2016.
- b. The Department's review of Educator Hynes' background checks, conducted under Ark. Code Ann. § 6-17-410, revealed that in 2000 Educator Hynes pled guilty to Domestic Battery (D Felony). This offense disqualifies Educator Hynes for licensure and for employment in an Arkansas public school.
- c. The Department denied Educator Hynes' application for renewal of his teaching license and informed him by certified mail that he had a disqualification for licensing and employment in a public school. Educator Hynes was also informed of his right to a hearing before the State Board to request a waiver.

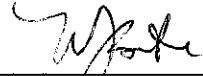
- d. Educator Hynes requested a waiver and he and his attorney, Clayton Blackstock, were present at the hearing.
- e. The Board considered:
 - i. The educator's age at the time of the offense;
 - ii. The circumstances surrounding the offense;
 - iii. The length of time since the offense;
 - iv. The educator's subsequent work history;
 - v. The educator's employment and character references; and
 - vi. Other evidence demonstrating that the applicant does not pose a threat to the health or safety of school children or school personnel.
- f. A motion was made to grant Educator Hynes' request for a waiver, and allow the Department to issue an appropriate license if all other eligibility requirements have been established. The Board's vote in favor was unanimous. The motion carried.

II. Conclusions of Law

- a. The State Board of Education may consider certain enumerated offenses as a disqualification for licensing. See Ark. Code Ann. §§ 6-17-410(c), 6-17-410(d)(A)(5) and 6-17-411. This includes offenses which have been expunged, sealed, and pardoned by the governor.
- b. Upon consideration of the evidence presented at the meeting, and pursuant to Ark. Code Ann. §§ 6-11-105, 6-17-410 and 25-15-201 et seq., the Arkansas State Board of Education waives Educator Hynes' disqualifying offense for the purposes of licensing

and employment eligibility. If Educator Hynes otherwise meets the requirements for licensing, the Department may issue him a license.

IT IS SO ORDERED.



Dr. Jay Barth, Chair
State Board of Education